SB Civil Writ. Petition No.5912/2005

Date of Order: **24th July, 2006.**

PRESENT

HON'BLE MR.JUSTICE BHAGWATI PRASAD

Mr.Ranjeet Joshi for the petitioner/s.
Mr.M.S.Singhvi for the respondent/s.

Heard learned counsel for the parties.

The petitioner by virtue of this writ petition is challenging the order Anx.8. In this order marks awarded to each and every individual who appeared for interview have been delineated . The learned counsel for the petitioner stressed that the award of marks was arbitrary, unreasonable and in such a fashion which would show that respondent No.4 has been given undue importance. She has been favoured and marks have been awarded to her without there being any basis so much so that respondent No.4 is a housewife and petitioner is Constable. She gets zero marks and the housewife gets one mark. The petitioner further submits that she is the only daughter of the retired employee of the Hindustan Zinc and her father has given an affidavit that he has given the entire retiral money of 14 lacs to his daughter for her business. This fact has

been seriously disputed by the learned counsel for respondent No.4 . It has been stated that she is not the only daughter and he has four other daughters also and in that view of the matter the other sisters would have their claim of money of the father and the ancestral property which has been exclusively made available to the petitioner for use.

The respondent has further stated that most important aspect of the matter is that the establishment of the Petrol Pump is in District Nagaur and she is the resident of Udaipur. To establish and claim a land in District Nagaur she has falsely stated that she is married to one Harish. In the cause title she has not stated that she is married. Learned counsel for the petitioner submitted that the petitioner has stated in para No.1 that she is married but strangely enough the name of the husband is not disclosed in para No.1. Thus, the learned counsel for the petitioner submits that this shows a fishy character of the petitioner because she is not a married woman. To get the petrol pump established she has stated that the land was provided by her husband. This allegation of the respondent have not been refuted by the petitioner by filing any rejoinder. From the pleadings of the parties what can be concluded is that her marriage has been doubted and there is no assertion on the rejoinder that the claim of the petitioner is true.

The Interview Committee has taken into consideration

many points put forward by the candidate while appearing.

On the basis of the documents annexed to the petition it is not possible for this Court to go into the correctness of the matters suffice it to say that there are no malafides alleged against any member of the Selection Committee. There are no material on record to show that malafides have been committed, it would be too much for this court to interfere with regard to the competency of the Committee while exercising jurisdiction under Art. 226 of the Constitution. This court feels that such cases should be better left to the Committee to decide. Not only this, if there is any grievance they can approach the redressal committee formed by the UOI. It would not be proper for this Court to enter into the realm of judging the correctness of the order of such Committees which requires appreciation of evidence in a greater detail. The questions raised are questions of fact . With out placing the necessary documents with the writ petition the petitioner wants this Court to interfere in the matter. In that view of the matter no interference is called for. There is no force in the writ petition the same is dismissed.

(BHAGWATI PRASAD), J.

L.George